

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 JULIE L. GARLAND
Senior Assistant Attorney General
4 HEATHER BUSHMAN
Supervising Deputy Attorney General
5 DENISE A. YATES, State Bar No. 191073
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5531
Fax: (415) 703-5843
8 Email: Denise.Yates@doj.ca.gov
Attorneys for Respondent Robert L. Ayers, Jr.,
9 Warden at San Quentin State Prison
SF2008401272

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 **THARON HILL,**

Petitioner,

16
17 v.

18 **BOARD OF PRISON HEARINGS,**

19 Respondent.
20

No. C 07-5175 MMC (PR)

**RESPONDENT'S REQUEST
FOR AN EXTENSION OF
TIME; SUPPORTING
DECLARATION OF
COUNSEL**

21 **REQUEST FOR AN EXTENSION OF TIME**

22 Respondent Robert L. Ayers, Jr., Warden at San Quentin State Prison, requests that this
23 Court, for the reasons set forth in the accompanying declaration of counsel, grant an extension of
24 time to, and including, September 9, 2008, to respond to the Petition.

25 **DECLARATION OF COUNSEL**

26 I, Denise A. Yates, declare:

27 1. I am an attorney admitted to practice before the courts of the State of California
28 and in this Court. I am employed by the California Attorney General's Office as a Deputy

1 Attorney General in the Correctional Writs and Appeals Section. I am assigned to represent
2 Respondent in this case in which Petitioner Hill challenges his 2006 parole denial.

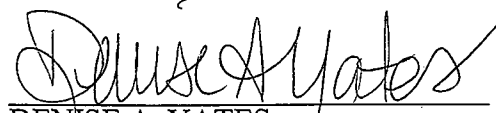
3 2. Pursuant to this Court's April 10, 2008 Order to Show Cause, Respondent must
4 respond to the Petition by July 9, 2008.

5 3. I need additional time to prepare a response in this case because as I reviewed
6 the case for procedural defenses, I realized that we had not received a copy of the state appellate
7 court petition and order as my assistant had requested. In addition, although the state superior
8 court sent a copy of the form petition Hill filed, it appears another document with the substance
9 of Hill's claims exists. I have asked my assistant to request the documents, but I do not know
10 when I will receive them. When I receive them, I will have to review the petitions to determine
11 if Hill fairly presented his current claims in those state courts. Accordingly, Respondent
12 respectfully requests additional time to respond to the Petition.

13 4. This request for an extension of time is not made for any purpose of harassment,
14 undue delay, or for any improper reason. Petitioner Hill should not be prejudiced by this request
15 for an extension of time considering he has another, similar petition pending in this Court.
16 Respondent has not requested any other extensions of time to respond to this Petition. Petitioner
17 Hill is incarcerated in state prison and cannot easily be contacted about this requested extension
18 of time.

19 5. Without an extension of time, Respondent would be substantially harmed or
20 prejudiced in that I would not be able to determine if the Petition should be dismissed on
21 procedural grounds, or to prepare a proper and thorough answer.

22 I declare under penalty of perjury that the foregoing is true and correct and that this
23 declaration was executed on July 7, 2008, at San Francisco, California.

24 
25 DENISE A. YATES
26 Deputy Attorney General
27
28

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Hill v. Board of Prison Hearings**

No.: **C 07-5175 MMC (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **July 7, 2008**, I served the attached

**RESPONDENT'S REQUEST FOR AN EXTENSION OF TIME; SUPPORTING
DECLARATION OF COUNSEL**

[PROPOSED] ORDER

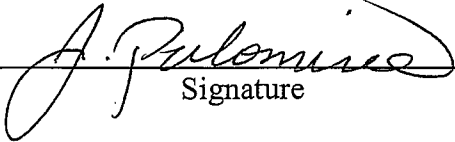
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Tharon B. Hill, D-87967
San Quentin State Prison
1 Main Street, 1-N-26L
San Quentin, CA 94964
In Pro Per**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **July 7, 2008**, at San Francisco, California.

J. Palomino

Declarant



Signature